

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MICHAEL BOWMAN, individually
and on behalf of all others similarly
situated,

Case No. 17-cv-11630-NGE

Hon. Nancy G. Edmunds

Plaintiffs,

Mag. R. Steven Whalen

v.

ART VAN FURNITURE, INC., a
Michigan corporation,

Defendant.

NOTICE OF CORRECTED DECLARATION OF LINDSEY MARQUEZ

The Plaintiff and Settlement Class Representative, Michael Bowman, by and through his attorneys, hereby provides the Court with Notice of Corrected Declaration of Lindsey Marquez, the Project Manager for the Court-appointed Settlement Administrator in this case, Epiq Class Action & Mass Tort Solutions, Inc. In support of this Notice, Plaintiff states as follows:

1. This Court granted final approval to the Class Action Settlement (dkt. 35-1) achieved in this case on December 10, 2018. (Dkt. 53.)
2. In support of Final Approval, on October 9, 2018, the Settlement Administrator in this case, Epiq, through the Project Manager, Linsey Marquez, provided a declaration (“Initial Notice Declaration”) (dkt. 48-2) in support of the Notice Plan implemented with respect to the Settlement.

3. In the Initial Notice Declaration, Ms. Marquez had indicated that:

As of October 9, 2018, Epiq has received a total of 32,667 Claims Forms (2,408 paper Claim Forms and 30,259 web claims). Epiq has reviewed the Claim Forms and determined that 31,471 are complete, 18 incomplete, which are in the process of being sent deficiency letters, and 1, 178 are duplicate or denied as result of being submitted late or from non-class members.

(Dkt. 48-2 ¶ 18.)

4. Settlement Class Counsel relied on these figures during the final approval process when stating the claims rate for the Court (reporting a ballpark of 32,000 claims) (*See e.g.* Mot. for Final Approval at 35.) (Dkt. 48.)

5. Epiq has notified counsel for the Parties that the Initial Notice Declaration was erroneous. That is, Epiq has recently indicated that the number of complete claim forms has increased to 34,404, of which 31,471 were previously reported as complete, plus an additional 2,905 complete web claims and 28 complete paper claim forms. Epiq's system failed to capture these additional web claims due to a programming error resulting in web claims not transferring properly into Epiq's database. Epiq has confirmed that no additional claims are unaccounted for.

6. Ms. Marquez has prepared a new corrected declaration with these updated figures. (*See* Supplemental Declaration of Lindsey Marquez Regarding Notice and Claim Administration ("Supplemental Declaration") a true and accurate copy of which is attached hereto as Ex. A.)

7. Ms. Marquez's Supplemental Declaration also indicates that, "pursuant to a check for fraudulent claims, 75 claims have been moved to duplicate status and the count of complete claims has been reduced from 34,404 to 34,329." (Supplemental Declaration ¶ 10.)

8. The discovery of these additional claims has no discernable impact on the fairness, reasonableness, or adequacy of the initial settlement. That is, the Settlement Class consisted of approximately 1.2 million Settlement Class Members. At 32,000 claims, as previously reported, the claims rate was 2.67%. At 34,329, as updated, the claims rate increases to 2.86%. Both are typical in these types of cases.

9. The increase in claims similarly will have an immaterial impact on the amount that each claimant will receive. Whereas at 32,000 claimants each check would be approximately \$125, at 34,000 claimants each settlement check will equal approximately \$119.

10. The Supplemental Declaration is being provided because the Initial Notice Declaration (dkt. 48-2) is not accurate, and the Parties wish to ensure that the record in this case is (and stays) correct.

Dated: March 27, 2019

Respectfully submitted,

MICHAEL BOWMAN, individually and
on behalf of all others similarly situated,

By: /s/ Steven L. Woodrow
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Steven L. Woodrow, hereby certify that on March 27, 2019 I served the foregoing *Notice of Corrected Declaration of Lindsey Marquez* by filing such papers with the Court using the Court's electronic filing system, which will transmit copies to all counsel of record.

/s/ Steven L. Woodrow